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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,915	03/31/2004	Amy Swift	IDATA.060A	5074
20995	7590	01/24/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			PAIK, STEVE S	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2876	

DATE MAILED: 01/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

sf

Office Action Summary	Application No.	Applicant(s)	
	10/813,915	SWIFT ET AL.	
	Examiner	Art Unit	
	Steven S. Paik	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/6/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Mollett et al. (US 2003/0216988 A1, cited by the applicant).

Re claim 1, Mollett et al. disclose a method of processing financial transactions from a customer at an unmanned location ([0046]), the method comprising:

acquiring identification information (such as a telephone number) from the customer;

determining whether the customer has previously engaged in suspicious behavior or suspicious activity by comparing the customer's identification information to information stored in a suspicious persons database([0012] or negative database [0107]);

retrieving a score indicative of a level of suspicion if the customer has engaged in suspicious behavior or suspicious activity ([0088]; and

authorizing financial transactions for the customer if the score is below a pre-selected threshold ([0089]-[0094]).

Re claim 2, Mollett et al. disclose the method as recited in rejected claim 1 stated above, wherein processing financial transactions comprises cashing a paper drafted check ([0046] and [0052]).

Re claim 4, Mollett et al. disclose the method as recited in rejected claim 1 stated above, wherein acquiring identification information comprises acquiring at least one of a name, social security number, and a driver's license number ([0089]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 3 and 5-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mollett et al. (US 2003/0216988 A1, cited by the applicant) in view of Otto (US 6,578,760 B1).

Re claims 3, 14, 16, 18-26, 30-32 and 36, Mollett et al. disclose systems and methods for using information indicative of whether a phone number received from a customer in conjunction with a proposed financial transaction is valid or non-valid to help assess risk associated with the transaction. In one embodiment, information about the validity or non-validity of a telephone number is used to determine whether or not to accept the proposed

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financial transaction. In one embodiment, information about the validity or non-validity of a telephone number is converted into a variable that used in conjunction with other risk indicators to produce a risk score for evaluating the risk of a proposed transaction.

However, the reference is silent about the method and system being used at an ATM utilizing biometric information for verification of a person who attempts to cash a check.

Otto discloses a self-service kiosk for cashing checks. A kiosk, such as an Automated Teller Machine (ATM) receives a bank check from a customer. The system includes a various verification devices to minimize a fraudulent activity.

Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have incorporated an ATM as one of self-service check cashing terminal as taught by Otto into the teachings of Mollett et al. for the purpose of maximizing the usability and applicability of a risk scoring based financial transaction terminal.

Re claim 5, Mollett et al. in view of Otto disclose the method as recited in rejected claim 1 stated above, wherein acquiring identification information comprises acquiring biometric information of the customer (col. 6, ll. 30-37 of Otto).

Re claim 6, Mollett et al. in view of Otto disclose the method as recited in rejected claim 5 stated above, wherein the biometric information is an image (iris or retina, or fingerprint images).

Re claim 7, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 5 stated above, comparing the customer's identification information to information stored in the database comprises comparing the customer's biometric information to previously stored biometric information in the suspicious persons database (col. 6, ll. 37-37 of Otto; It is

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well known that biometric data of a person is stored as biometric template in a database for a future verification by comparing it with an input – live biometric data of the person.).

Re claims 8 and 9, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 7 stated above, wherein the method further comprises contacting a customer service agent if the customer's biometric information matches at least one of the previously stored biometric information in the suspicious person database and verifying the identity of the customer by the customer service agent if the customer's biometric information matches at least one of the previously stored biometric information in the suspicious persons database (Fig. 4 of Mollett et al. disclose a process of a clerk re-verifying customer's unique information against a negative database. The same process may be applied to a verification process that uses a biometric data of a user.).

Re claim 10, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 9 stated above, wherein the method further comprises declining financial transactions for the customer if the customer service agent determines that the customer is engaging in suspicious behavior or suspicious activity (step 450 in Fig. 4 of Mollett et al.).

Re claim 11, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 10 stated above, wherein the method further comprises contacting a customer service agent if the score is above the pre-selected threshold ([0093-0103]).

Re claim 12, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 11 stated above, wherein the method further comprises verifying the score by the customer service agent if the score is above the pre-selected threshold ([0093-0103]).

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Re claim 13, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 12 stated above, wherein the method further comprises declining the financial transaction by the customer service agent if the score is above the pre-selected threshold ([0093-0103]).

Re claims 15 and 17, Mollett et al. in view of Otto disclose the system and method as recited in rejected claims 14 and 16 stated above, wherein the method further comprises declining financial transactions from customers that have scores above a preset threshold of suspicious behavior or suspicious activity ([0093]-[0094]).

Re claim 27, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 26 stated above, wherein the transaction information comprises information on the check (step 35 of Fig. 2 in the Otto reference).

Re claim 28, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 22 stated above, wherein the storage component is a database (biometric database; col. 6, ll. 30-38).

Re claim 29, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 22 stated above, wherein the suspicious behavior or suspicious activity includes fraud (col. 2, line 5-col. 3, line 22).

Re claim 33, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 30 stated above, wherein the identification information comprises at least one of a social security number, a name, a driver's license number, a purchase amount, and an identification of the input device ([0089] of Mollett et al.).

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Re claim 34, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 30 stated above, wherein the check identification information comprises a MICR code (step 35 of Fig. 2).

Re claim 35, Mollett et al. in view of Otto disclose the system and method as recited in rejected claim 30 stated above, wherein system further comprises a customer service agent that verifies the identify of the customer by using at least one of the check information, the customer's identification information, and the customer's biometric information ([0089] of Mollett et al. and Fig. 4).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Robinson (US 6,957,770 B1) discloses a system and method using biometric data for authorization of cashing checks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Monday - Friday 5:30a-2:00p (Maxi-Flex*).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven S. Paik
Primary Examiner
Art Unit 2876

ssp